

REMARKS

Applicant recognizes and appreciates Examiner's withdrawal of the restriction / election requirement based upon a finding that the remarks filed by Applicant on April 30, 2008 were persuasive.

Examiner asserts in the Office communication dated October 8, 2008 that the Office Action reply filed by Applicant on October 30, 2007 was not fully responsive to the prior Office Action because it did not completely address all matters. Specifically, Examiner asserts Applicant failed to "present arguments pointing out the specific distinctions believed to render the claims, including newly presented claims, patentable over any applied references." Examiner cites the requirement of 37 C.F.R. 1.111(c) requiring "the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections."

Applicant first would like to clarify that no new claims were introduced in the Office Action reply filed on October 30, 2007. Applicant amended Claims 2, 3, 4 and 5. All other claims were previously presented.

Beginning with the Remarks on Page 8 of the October 30, 2007 Office Action reply, Applicant introduced Examiner's rejections, and then explained in detail the subject matter of the two prior art references cited against Applicant. Specifically, Applicant addressed the contents of U.S. Patent 6,985,886 to Broadbent et al. from Pages 8 through 11 of the Office Action reply. Applicant then addressed the contents of U.S. Published Patent Application 2002/0138413 to Creamer et al. from Pages 11 through 13. Beginning on Page 13, Applicant began to address the amended claims at issue.

Applicant respectfully directs Examiner to the following pages and paragraphs of the Office Action reply filed by Applicant on October 30, 2007 as fully complying with the

requirements of 37 C.F.R. 1.111, and specifically 37 C.F.R. 1.111(c). As reference, Applicant defines Paragraph 1 on a given page as the first paragraph which begins on said page.

Regarding amended Claim 2, Applicant identified elements making Claim 2 patentable on Page 13, Paragraph 2 of the October 30, 2007 Office Action reply. Applicant then addressed the elements of Applicant's invention disclosed in amended Claim 2 which were not disclosed by Broadbent from Page 14, Paragraph 3 through Page 15, Paragraph 1. Similarly, Applicant addressed the elements of Applicant's invention disclosed in amended Claim 2 which were not disclosed by Creamer on Page 15, Paragraph 3. Applicant addressed the patentability of Claims 6-9, which depend upon Claim 2 on Page 15, Paragraph 5.

Regarding amended Claim 3, Applicant identified elements making Claim 3 patentable on Page 15, Paragraph 6 of the October 30, 2007 Office Action reply. Applicant then addressed the elements of Applicant's invention disclosed in amended Claim 3 which were not disclosed by Broadbent or Creamer on Page 16, Paragraph 1. Applicant addressed the patentability of Claims 10 and 13, which depend upon Claim 3 on Page 16, Paragraph 2.

Regarding amended Claim 4, Applicant identified elements making Claim 4 patentable on Page 16, Paragraph 3 of the October 30, 2007 Office Action reply. Applicant then addressed the elements of Applicant's invention disclosed in amended Claim 4 which were not disclosed by Broadbent or Creamer on Page 16, Paragraph 4. Applicant addressed the patentability of Claims 14-17, which depend upon Claim 4 on Page 17, Paragraph 1.

Regarding amended Claim 5, Applicant identified elements making Claim 5 patentable on Page 17, Paragraph 2 of the October 30, 2007 Office Action reply. Applicant then addressed the elements of Applicant's invention disclosed in amended Claim 5 which were not disclosed by Broadbent or Creamer on Page 17, Paragraph 3. Applicant addressed the patentability of Claims 18-19, which depend upon Claim 5 on Page 17, Paragraph 4.

To establish a *prima facie* novelty rejection, a single reference, device, or process must disclose all of the elements of the claimed invention. *See Studiengesellschaft Kohle m.b.H. v. Dart Indus., Inc.*, 726 F.2d 724, 726-27 (Fed. Cir. 1984).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicant clearly identified and referenced the claim limitations of each of Applicant's claims which were not disclosed, taught or suggested by the cited prior art references. As such, Applicant met the burden of 37 C.F.R. 1.111 by presenting arguments pointing out the specific distinctions believed to render Applicant's claims patentable over any applied references and clearly pointing out the patentable novelty Applicant's claims present in view of the art disclosed by the references cited.

In view of the above remarks, it is respectfully submitted that this Application is in condition for allowance and such action is earnestly solicited. However, should the Examiner have any further point of objection, the Examiner is urged to contact the undersigned so that a mutual agreement with respect to claim limitations can be reached.

Respectfully submitted,

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